

Message Text

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67

ORIGIN EA-14

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA PRIORITY

INFO DOD PRIORITY

NAVY JAG WASHDC PRIORITY

AF JAG WASHDC PRIORITY

CINCPAC HONOLULU HI

C O N F I D E N T I A L STATE 075315

E.O. 11652: GDS

TAGS: MARR, RP

SUBJ: MBA NEGOTIATIONS: ARTICLE XI IMMIGRATION

REFS: A. MANILA 4105

B. MANILA 3126 (190810Z MAR 73)

C. STATE 206437 (120135Z NOV 71)

CINCPAC ALSO FOR POLAD

1. AGREE WITH EMBASSY'S ESTIMATE (PARA 3 OF REFTELS A AND B)
THAT US PROPOSAL CONTAINED IN REF C AS MODIFIED IN REF A
MAY BE MORE ACCEPTABLE TO GOP TODAY UNDER MARTIAL LAW CON-
DITIONS.

2. USG OBJECTIVES IN NEGOTIATIONS ON ARTICLE XI ARE TO
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CONTINUE THE UNENCUMBERED RIGHT TO ASSIGN MILITARY AND

CIVILIAN PERSONNEL AND THEIR FAMILIES TO US BASES IN THE PHILIPPINES, AS IS PROVIDED IN ARTICLE XI, 1947 MBA, AND TO FORMALIZE THE RIGHT TO TRANSPORT VARIOUS CATEGORIES OF PERSONNEL TO AND THROUGH THE BASES. THE USG INITIATIVE FOR FORMALIZATION OF THESE LATTER CATEGORIES FOLLOWS FROM ACCEPTANCE OF THE PRESENCE ON BASE OF GOP IMMIGRATION OFFICIALS AND IS INTENDED TO AVOID DIFFICULTIES OF IMPLEMENTATION AND TO ENSURE THAT GOP IMMIGRATION OFFICIALS ASSIGNED TO THE BASES UNDERSTAND CLEARLY WHO MAY ENTER THROUGH THE BASES AND WHAT TRAVEL DOCUMENTS ARE REQUIRED. BOTH THESE NEEDS CAN BE MET ONLY THROUGH AN AGREED ARTICLE AND AN IMPLEMENTING NOTE PHRASED IN TERMS OF A

BILATERAL AGREEMENT CONCERNING THE ENTRY AND EXIT THROUGH THE BASES OF PERSONS NOT SPECIFIED IN THE AGREED ARTICLE AND CONCERNING DOCUMENTS REQUIRED FOR SUCH ENTRY AND EXIT. A NOTE PHRASED AS A UNILATERAL GRANT FROM THE GOP, AND THEREFORE SUBJECT TO UNILATERAL MODIFICATION OR WITHDRAWAL, WOULD BE UNACCEPTABLE. WE BELIEVE PROPOSED TEXT FOR ARTICLE XI AND AN IMPLEMENTING NOTE RECOMMENDED IN REF A, AS MODIFIED BELOW, SATISFIES THESE OBJECTIVES.

3. EMBASSY IS AUTHORIZED TO TABLE THE PROPOSED TEXT, AS MODIFIED BELOW, WHEN THE TECHNICAL PANEL MEETS.

A. IN THE FIRST SENTENCE OF DRAFT ARTICLE XI, INSERT QTE A UNQTE BETWEEN QTE UNDER UNQTE AND QTE CONTRACT. UNQTE

B. IN THE FIRST SENTENCE OF DRAFT ARTICLE XI, CHANGE QTE THEIR UNQTE TO QTE THE UNQTE BEFORE QTE DEPENDENTS UNQTE AND ADD QTE OF BOTH UNQTE AFTER QTE DEPENDENTS UNQTE, PUTTING THE COMMA AFTER QTE BOTH. UNQTE

C. IN THE SECOND SENTENCE OF DRAFT ARTICLE XI, ADD QTE A UNQTE BETWEEN QTE UNDER UNQTE AND QTE CONTRACT UNQTE.

D. IN PARA 3 OF DRAFT ARTICLE XI, DELETE QTE A MEMBER OF THE UNITED STATES...OR A DEPENDENT, UNQTE AND SUBSTITUTE QTE ANY PERSON, UNQTE ALSO CHANGE QTE AGREEMENT UNQTE TO QTE ARTICLE. UNQTE
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E. IN PARA 1G OF THE PROPOSED IMPLEMENTING NOTE, ADD QTE OR EXIT UNQTE AFTER QTE ENTRY. UNQTE

F. IN PARA 1J OF DRAFT NOTE, DELETE QTE FREE UNQTE BEFORE QTE USG TRANSPORTATION UNQTE AND DELETE QTE PROVIDED FOR THE SERVICEMEN UNQTE THUS ENDING THE SENTENCE AFTER QTE TRANSPORTATION. UNQTE KISSINGER

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